

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

THE RELIGIOUS SISTERS OF MERCY,  
*et al.*,

*Plaintiffs,*

v.

ALEX M. AZAR, Secretary of the United  
States Department of Health and Human  
Service, *et al.*,

*Defendants.*

No. 3:16-cv-386

THE CATHOLIC BENEFITS  
ASSOCIATION; DIOCESE OF FARGO;  
CATHOLIC CHARITIES NORTH  
DAKOTA; and CATHOLIC MEDICAL  
ASSOCIATION,

*Plaintiffs,*

v.

ALEX M AZAR, Secretary of the United  
States Department of Health and Human  
Service, *et al.*,

*Defendants.*

No. 3:16-cv-432

**Declaration of Deacon Anthony Ternes**

1. My name is Anthony Ternes. I am over 21 and capable of making this declaration. I have not been convicted of a felony or crime involving dishonesty. The facts herein are within my personal knowledge. If I were called upon to testify to these facts, I could and would competently do so.
2. I serve as Chairman of the Board of Directors for Catholic Charities North Dakota ("CCND").

3. CCND is the social services arm of the Catholic Church throughout North Dakota. Its roots go back 100 years to when Father Vincent Ryan began, in 1923, providing services to working and unmarried mothers in the Fargo area. Its locations, the scope of its services, and the numbers of its employees and volunteers have grown over the years. CCND now has eighty-two employees with offices in Grand Forks, Bismarck, Minot, and Fargo.

4. As part of our observance of our Catholic mission, CCND provides a health plan for our full-time employees. Catholic social teaching holds that access to health care, including health insurance, is a basic and universal human right and a demand of the common good. (*Catechism of the Catholic Church*, para. 2288). This is due to the sanctity and dignity that every single human life possesses as made in the image and likeness of God, and as an object of God's love.

5. CCND's services include Adults Adopting Special Kids that facilitates adoption of children in foster care; Pregnancy, Parenting, and Adoption Services to help place children in permanent homes; Guardianship Services for vulnerable adults and for those with intellectual disabilities; Post-Adoption Search Services; and Disaster Relief.

6. CCND also provides Counseling Services for individuals, couples, and families. Our counseling services assist those struggling with important decisions, those needing extra support or guidance in difficult situations; those seeking to improve their quality of life; and those with marital or other relationship difficulties. Our clients come to us for counseling regarding addiction, relationship, mental health, sexual, financial, and other issues. We have counseled individuals as young as two and as old as ninety-four.

7. At Catholic Charities North Dakota, we provide counseling services that respect the dignity and uniqueness of each human being as a sacred image of God, in accordance with

Catholic Social Teaching. We do not offer services that contradict these principles. We listen to our clients' stories and experiences, and help them identify their strengths, goals, and areas for growth. We value feedback from clients on the therapeutic process using Feedback Informed Treatment and tailor our interventions accordingly. We offer evidence-based, and holistic counseling services for individuals, couples, and families who are facing various mental health challenges, such as anxiety, depression, trauma, grief, and more. We also strive to make our services accessible and affordable by offering sliding scale fees and accepting most insurance plans.

8. As our website says, CCND provides counseling services “regardless of sex, race, color, religion, political view, national origin, social status, financial resources, or inability to pay for services” (Catholic Charities North Dakota website). Our nondiscrimination policy is grounded in the Catholic conviction that every single human being is made in the image and likeness of God and thereby possessed of intrinsic and inalienable dignity. It is also grounded in the Catholic belief that human beings are to love one another in the manner of Jesus Christ, and according to the model of the Good Samaritan who cares for the person in need strewn upon his path (Lk 10:29-37). Furthermore, as the United States Conference of Catholic Bishops' Ethical and Religious Directives for Catholic Health Care Services (“ERD”) state: “A Catholic institutional health care service is a community that provides health care to those in need of it.” (ERD 1). Likewise, these directives insist that Catholic health care must distinguish itself by its attention to service to those “particularly vulnerable to discrimination.” (ERD 3).

9. Catholic Charities receives payment for its counseling services from various medical insurers, from self-funded employee health plans, from Medicare, Medicaid, and from patients and their families. Our ability to serve low income or indigent patients with counseling

services would be severely impacted if we were unable to receive compensation through Medicare and Medicaid.

10. All of our services are part of our ministry of charity. It is, as our website says and as Pope Benedict XVI taught, charity is one of the fundamental responsibilities of the Catholic Church. Thus, in accordance with our Catholic identity, such therapy excludes all assistance, guidance, advice, recommendations, or help inconsistent with Catholic values, including support for or facilitation of abortion or gender transition.

11. Because God is the Creator of all things including human life and because human life made in the image and likeness of God, men and women, girls and boys have a unique dignity. Thus, Catholic teaching has long taught that abortion is sinful as the taking of innocent human life.

12. Catholics oppose transgender medicine because it contradicts God's creative sovereignty and confounds human beings' understanding of their own dignity as well as their development as body-soul unities. Catholics believe that as sovereign Creator, God does not place any human being in the "wrong body." They also believe that God makes every human being; we do not make ourselves. Catholicism further teaches that God creates every human being as an inseparable unity of body and soul. Consequently, a human being's failure to accept his or her bodily sex would impede self-understanding and development at the biological, physiological, emotional, mental and spiritual levels, all of which are interrelated.

13. In 2016, the U.S. Department of Health and Human Services issued its regulation that required CCND to cover gender transition services and cross-sex hormones in its employee health plan. The regulation also required health care providers to perform such services or

prescribe such drugs when it was competent to do so. CCND could not do either of these things without violating our deeply-held Catholic values and beliefs.

14. Without an exemption from a requirement to cover, or facilitate access to abortion or transgender medicine, CCND's Catholic identity and values would be undercut in severe, immediate, ongoing, and irreparable manners. Catholics hold and teach that God is the sovereign Creator. This means that the human being is not self-made and that God cannot mistakenly put a person in "the wrong body." Rather, the Book of Genesis states that after making humankind "male and female," "in his image," God "looked at everything he had made, and found it very good" (*Gen* 1: 27, 31). Were Catholic Charities to perform, cover, or facilitate access to abortion or transgender medicine, it would be powerfully communicating by word and deed to our employees and volunteers, clients, and our donors (many of whom are Catholic).

15. CCND has been a member of the Catholic Benefits Association, without interruption, since July 1, 2014.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on the 5 day of May 2023, at Fargo, North Dakota.

  
Deacon Anthony Ternes